

60,130-1197; 01MRA0362

REMARKS

Claims 1-11 and 13-14 are presently pending in the application. Claims 1 and 11 are in independent form.

The Examiner objects to the specification and rejects claims 7 and 13 under §112, first paragraph for containing new matter. The rejection is improper. Applicant only numbered an element, the retainer, already in the Figures and widely known in the art. In fact, many of the references cited by the Examiner show and describe the retainer. Applicants can provide countless additional references, if the Examiner likes, which clearly establish that bearing retainers are common knowledge. Accordingly, the rejection is improper and must be withdrawn.

The Examiner rejected claims 1-6 and 9-11 under §102(b) over Butkovich. Butkovich still does not disclose all of the elements of claim 1. The Examiner argues that the bearing assembly is 96, 98; the gear assembly is 134, 132; the seals are 70, 126. Claim 1 requires that the seal separates the housing into two cavities and that the bearing assembly is in one cavity and the gear assembly is in the other cavity. That is, the gear assembly and bearing assembly are on either or opposite sides of the seal. Whether the Examiner uses the seal 70 or the seal 126, Butkovich cannot satisfy the language of claim 1. Claim 14 further clarifies this arrangement. Accordingly, the rejection of claim must be withdrawn.

Claims 3-5 are also allowable because the bearing cage in Figure 3 cannot be the three different types of bearing cages claimed. How can one bearing cage in a single Figure be three different things?

Claim 9 is also allowable because element 116 in Butkovich is not a differential. Element 116 is two constantly meshing bevel gears that are not capable of permitting relative movement between the shafts, which is required of all differentials.

Claim 11 is allowable because Butkovich does not disclose a bearing cage supporting two seals. Furthermore, Butkovich does not disclose one seal that is adjacent to a yoke and one seal that is adjacent to a pinion.

Claims 7, 13, and 14 were rejected under §103 over Butkovich in view of Fox. The combination is improper because the Examiner motivation is flawed. The Examiner argues that one of

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ordinary skill in the art would modify Butkovich with the seal of Fox to provide "more effective sealing" or "more protection from moisture." Fox is for tire inflation system seal, and Butkovich is directed to a particular drive configuration for a harvester. The two disclosures have entirely unrelated problems. Furthermore, Fox does not teach that its seal is more effective or that it protects from moisture. There is nothing that indicates the Fox seal is better or worse than that of Butkovich—it is merely different. Without such a teaching one of ordinary skill in the art would not be motivated to modify Butkovich.

For the reasons set forth above, Applicant submits that the pending claims in the application are allowable. Applicant respectfully solicits allowance of these claims. If any fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Respectfully submitted,

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